

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, et al.,

Plaintiff(s),

v.

State of Washington, et al.,

Defendant(s).

No: C70-9213

Subproceeding 89-3-12
(*Skokomish Indian Tribe v. Gold Coast Oyster LLC et al.*)

STIPULATED MOTION TO
MODIFY ORDER SETTING TRIAL
AND PRETRIAL DATES

Note date: July 30, 2019

I. INTRODUCTION

The Parties respectfully seek modification of the Order Setting Trial and Pretrial Dates ("Order") (Dkt. 21820) to allow Interested Parties to file pre-trial statements, if necessary, by August 23. The modification would result in no changes to the existing dates in the Order.

II. ARGUMENT

The Order states in part, "These are firm dates that can be changed only by order of the Court, not by agreement of counsel or parties. The Court will alter these dates only upon good cause shown;" Dkt. 21820 at p. 2. For the following reasons, there is

1 good cause to add a date for Interested Parties to file pretrial statements, particularly
2 when doing so will not change any other date in the Order.

3 The Order currently does not include a date for the Interested Parties to submit
4 pre-trial statements. Such statements may not be necessary, but the Interested Parties will
5 not know that until after they have reviewed the main parties' pretrial statements.
6 Vacation schedules make it impossible to file pretrial statements from August 14-21.

7 The Interested Parties do not envision taking position(s) on the potential factual
8 disputes between the main parties. Their respective interests are in ensuring an accurate
9 interpretation and application of the legal principles in the Shellfish Implementation Plan
10 and in other published *United States v. Washington* orders. As a result, if the Interested
11 Party State or Tribe submits a pretrial statement, it would only be reactive to legal
12 positions articulated by the main parties with which an Interested Party either disagrees
13 or possibly concurs. (The Interested Parties may also include their positions in the
14 proposed Pretrial Order and separately file Pretrial Briefs.)

15 Finally, as noted earlier, adding a date for Interested Parties to file pretrial
16 statements will not alter any other dates in the Order.

17 III. CONCLUSION

18 For the reasons stated herein, the Interested Parties respectfully request that the
19 Court modify the Order to state that Interested Party pretrial statements are due on
20 August 23.

1 DATED this 14th day of August, 2019.

2 IT IS SO ORDERED

3 

4 David W. Christel
5 United States Magistrate Judge

6 Respectfully submitted this 30th day of July, 2019.

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on July 30, 2019, I electronically filed the aforementioned,
5 along with the Proposed Order, with the Clerk of the Court using the CM/ECF system,
6 which will send notification of such filing to the persons required to be served in this
7 subproceeding whose names appear on the Master Service List:

8
9 s/Sharon Haensly
10 Sharon Haensly
11 Squaxin Island Legal Department
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